

<b>Primary legislation (Acts of Parliament)</b> .....	<b>3</b>
<b>Government Bills introduced/re-introduced</b> .....	<b>3</b>
A. The following Bill was introduced into the Legislative Assembly on 3 November 2016 .....	3
1. Stock Route Network Management Bill 2016 .....	3
B. The following Bill was 're-introduced' into the Legislative Assembly on 3 November 2016 .....	5
1. Heavy Vehicle National Law and Other Legislation Amendment Bill 2016 .....	5
<b>Government Bills passed</b> .....	<b>5</b>
A. The following Bill was passed by the Legislative Assembly on 1 November 2016 .....	5
1. Appropriation Bill (No.2) 2016 .....	5
B. The following Bills were passed by the Legislative Assembly on 2 November 2016 .....	5
1. Major Sports Facilities and Other Legislation Amendment Bill 2016 .....	5
2. Adoption and Other Legislation Amendment Bill 2016 .....	6
C. The following Bill was passed by the Legislative Assembly on 3 November 2016 .....	6
1. Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Bill 2016 .....	6
<b>Government Bills withdrawn</b> .....	<b>6</b>
A. The following Bill was withdrawn by the Legislative Assembly on 3 November 2016 .....	6
1. Heavy Vehicle National Law and Other Legislation Amendment Bill 2016 .....	6
<b>Bills assented to</b> .....	<b>6</b>
<b>Subordinate legislation</b> .....	<b>7</b>
A. Subordinate legislation disallowed by the Legislative Assembly on 2 November 2016 .....	7
1. <i>Weapons Regulation 2016</i> .....	7
B. Subordinate legislation notified on the Queensland Legislation website on 4 November 2016 .....	7
1. SL No.195 of 2016: <i>Local Government Legislation (Boundary Changes) Amendment Regulation 2016</i> .....	7
<b>Local laws</b> .....	<b>7</b>
A. <i>Queensland Government Gazette</i> of 4 November 2016 .....	7
1. Mackay Regional Council .....	7
<b>Approved forms/guidelines</b> .....	<b>7</b>
A. <i>Queensland Government Gazette</i> of 4 November 2016 .....	7
1. <i>Workers' Compensation and Rehabilitation Act 2003</i> .....	7

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NB: Members are referred to the separate document, Notes and background information, appearing at [qls.com.au](http://qls.com.au) > Knowledge Centre > Newsletters & Magazines > Legislation Update for general information.

<b>Other statutory instruments/statutory notices</b> .....	<b>8</b>
A. <i>Queensland Government Gazette</i> of 4 November 2016 .....	8
1. <i>Electoral Act 1992</i> .....	8
2. <i>Acquisition of Land Act 1967</i> .....	8
3. <i>Holidays Act 1983</i> .....	8
4. <i>Nature Conservation Act 1992</i> .....	8
5. <i>State Development and Public Works Organisation Act 1971</i> .....	8
6. <i>Sustainable Planning Act 2009</i> .....	8
7. <i>Transport Operations (Marine Safety) Act 1994/Transport Operations (Marine Safety) Regulation 2016</i> .....	8
8. <i>Waste Reduction and Recycling Act 2011</i> .....	8
<b>Miscellaneous</b> .....	<b>9</b>
1. Parliamentary sitting dates .....	9

## Primary legislation (Acts of Parliament)

Parliamentary sitting days: 1-3 November 2016

### Government Bills introduced/re-introduced

#### A. The following Bill was introduced into the Legislative Assembly on 3 November 2016

##### 1. Stock Route Network Management Bill 2016

As referred to in its explanatory notes, this Bill, in order to implement its policy objectives:

- consolidates and streamlines the provisions for managing travelling stock and grazing activities on the network, currently administered under several pieces of legislation, into one Act
- establishes the main purpose of the network is for travelling stock on foot, while recognising the other uses of the network
- provides the state with strategic oversight of the network to maintain an integrated and connected state network for travelling stock by:
  - requiring the Minister to develop a state management plan that sets out the management outcomes necessary to achieve an integrated and connected network
  - providing a ministerial power to direct a local government to perform their functions under the Bill, in the unlikely situation where they are not doing so
  - maintaining the responsibility for identifying the stock routes and reserves that form the network, with the state to ensure the travel routes remain connected
- strengthens local governments' role as day-to-day managers of the network by providing for all stock-related activities on the network to be authorised by local governments, with the state no longer issuing stock grazing permits for the network
- provides for the use of the network for stock-related activities by:
  - establishing an application and approvals framework to authorise use [Approval types include travel approvals (either standard or slow pace), unfit stock approvals, emergency grazing approvals, short-term grazing approvals, long-term grazing approvals and harvesting approvals.]
  - establishing an order of priority for issuing approvals with highest priority being for travelling stock (The use of the network for grazing stock is a secondary purpose and can only be authorised provided the network can continue to support travelling stock.)
- minimises the impact of stock-related activities on other uses of the network, such as road travel, by requiring road safety to be considered before granting an approval for stock to use the network
- ensures the operational integrity of the state's transport network by requiring the state's consent before a local government can issue an approval for a state-controlled road that is part of the network and allowing the state to require a local government to temporarily restrict or prevent access to a state-controlled road on the network
- improves local governments' ability to sustainably manage the network by:
  - providing local governments with the ability to manage excess pasture through offering short-term grazing or harvesting approvals
  - introducing a two-tier classification system for stock routes – primary and secondary [Local governments' management efforts will be focused on maintaining stock facilities (including water facilities) on primary stock routes – the most important areas of the network for travelling stock. They will be able to dispose of stock facilities located on the secondary network with the state's approval.]
  - providing long-term grazing approvals on secondary stock routes for up to five years and up to one year on primary stock routes
  - providing local government with the power to temporarily restrict or prevent stock access to a part of the network in certain circumstances such as natural disasters, because of a decline in water or pasture availability or for road works
- allows either local or state significant natural heritage and cultural heritage features of the network to be recognised through special interest areas, with conditions imposed on approvals under the Act to minimise the impact of stock travel, grazing or pasture harvesting on these areas
- provides contemporary enforcement and compliance powers for local governments, including the ability to issue caution and direction notices, along with revised offences with contemporary penalties that reflect the seriousness of the offence

- provides clear review processes for decisions made under the Bill, which include:
  - some decisions being internally reviewable by local government
  - identifying which decisions are to be externally reviewed by either the state, the Queensland Civil and Administrative Tribunal (QCAT) or the Magistrates Court (for example, the state will externally review decisions about travelling and unfit stock).

Further measures effected by the Bill are described in the following terms in its explanatory notes:

“The Bill also provides a framework for local governments to administer stock travel, grazing and pasture harvesting on other roads and reserves that are not part of the network. These other roads and reserves (related roads or reserves) include roads under local government control; reserves where the local government is the trustee of the reserve; and State-controlled roads (subject to the approval of the chief executive responsible for the *Transport Infrastructure Act 1994*). The state will no longer issue grazing permits on related roads or reserves.

“For stock travel, grazing or pasture harvesting only on related roads and reserves, the Bill provides local governments with the flexibility to make a local law under the *Local Government Act 2009* or *City of Brisbane Act 2010* (the Local Government Acts) to establish their own approval processes or adopt those provided under the Bill.

“The Bill also establishes a fee and revenue framework. Under the framework, the state will regulate the fee for a travel approval to use the network in recognition of stock travel on the network being a state interest.

“Local governments will have the power to set certain fees as follows:

- an application processing fee
- an approval fee for pasture harvesting
- an approval fee for grazing on the network at or above a minimum fee set by the state under a regulation
- approval fees for stock travel and grazing on related roads and reserves.

“Local governments have the power to waive fees (e.g. due to hardship) under the *Statutory Instruments Act 1992* ...

“All fees from applications and approvals; amounts payable under water facility agreements; and penalties or fines will be paid direct to the relevant local government. Local governments will retain all these funds. Where the funds have been derived from the network, the local government must use the funds for the administration, maintenance or improvement of the network and stock facilities in the local government’s area. The Bill also allows a local government to recover outstanding debts through small claims procedures (e.g. as a minor civil dispute through QCAT) or as overdue rates under the Local Governments Acts, depending on the circumstances in which the debt arose.

“To reduce duplication and unnecessary regulation, the Bill also streamlines powers between the Act and the Local Government Acts. Rather than establish separate, additional provisions in the Bill, wherever possible, local governments will use their existing powers under their Local Government Acts. For example, local governments will not have to reappoint authorised persons under the Act where they have already appointed authorised persons under the Local Government Acts.”

In particular, this Bill, in addition to enacting the *Stock Route Network Management Act 2016*, also amends the following Acts and regulation:

- *City of Brisbane Act 2010*
- *Land Act 1994*
- *Local Government Act 2009*
- *Transport Infrastructure Act 1994*
- *Transport Infrastructure (State-controlled Roads) Regulation 2006*
- *Transport Operations (Road Use Management) Act 1995*.

Further, pursuant to s167 and Schedule 2, this Bill makes minor amendments, mainly in relation to citations, to the following Acts:

- *Aboriginal Land Act 1991*
- *Biosecurity Act 2014*
- *Forestry Act 1959*
- *Neighbourhood Disputes (Dividing Fences and Trees) Act 2011*
- *Water Act 2000*
- *Water Supply (Safety and Reliability) Act 2008*.

Finally, this Bill repeals the *Stock Route Management Act 2002* (Act No.12 of 2002).

## B. The following Bill was 're-introduced' into the Legislative Assembly on 3 November 2016

### 1. Heavy Vehicle National Law and Other Legislation Amendment Bill 2016

(Note: This entry should be read in conjunction with the entry in relation to a Bill of the same short title as that above under the heading below 'Government Bills withdrawn'.)

Immediately following the withdrawal of that Bill, the Minister in charge of the legislation, SJ Hinchliffe MP, the Minister for Transport and the Commonwealth Games, moved as follows:

"That notwithstanding anything contained in the standing orders:

1. the Heavy Vehicle National Law and Other Legislation Amendment Bill, introduced on 13 September 2016 and discharged and withdrawn today, be reintroduced following the presentation of a message from the Governor; and
2. in accordance with section 26B(3)(d) of the *Constitution of Queensland 2001*, the reintroduced Heavy Vehicle National Law and Other Legislation Amendment Bill, having already been referred to and reported on by the Transportation and Utilities Committee, be set down on the Notice Paper for its second reading immediately after its reintroduction and first reading without further referral to a portfolio committee."

This motion was agreed to without debate.

Immediately following the adoption of this resolution, a message from the Governor recommending the Bill was presented.

The Minister then tabled a copy of the *Hansard* extract of the explanatory speech he delivered when introducing the Heavy Vehicle National Law and Other Legislation Amendment Bill 2016 on 13 September 2016 and stated: "I adopt this explanatory speech for the introduction of the Heavy Vehicle National Law and Other Legislation Amendment Bill 2016 that I am introducing today."

The Bill was then read a first time and, in accordance with the motion referred to above and agreed to by the House earlier, was set down on the parliamentary notice paper for its second reading. (See *Hansard* for 3 November 2016 at pages 4149ff.)

Given the above circumstances, it would be unnecessary to include here a description of the contents of the Bill as that would be consistent with the synopsis of the original Bill as described in *Legislation Update* No.37 of 2016, dated 21 September 2016, at pages 5-6.

## Government Bills passed

### A. The following Bill was passed by the Legislative Assembly on 1 November 2016

#### 1. Appropriation Bill (No.2) 2016

This Bill was originally introduced into the Legislative Assembly on 13 September 2016. A synopsis of the contents of the Bill as introduced was contained in *Legislation Update* No.37 of 2016, dated 21 September 2016, at page 3.

It was not amended during its passage through the Legislative Assembly.

### B. The following Bills were passed by the Legislative Assembly on 2 November 2016

#### 1. Major Sports Facilities and Other Legislation Amendment Bill 2016

This Bill was originally introduced into the Legislative Assembly on 30 August 2016. A synopsis of the contents of the Bill as introduced was contained in *Legislation Update* No.35 of 2016, dated 7 September 2016, at page 3.

During its passage through the Legislative Assembly, the following provisions of the original Bill as introduced were amended:

- Clause 18 (Insertion of new ss17A to 17C), which amendments to the *Major Sports Facilities Act 2001*, among other things, deleted the proposed s17B (Criminal history reports confidential) but added a new provision, namely, s17D (Confidentiality of criminal history information)
- Clause 26 [Amendment of s30AM (Application of div 2)]
- Schedule 1 (Acts amended).

In addition, the following clauses were negatived, that is, removed from the Bill:

- Clause 22 [Amendment of pt3B, hdg (Major sport events at Suncorp Stadium)]
- Clause 27 [Amendment of s30AN (Use of Suncorp Stadium for major sport events)].

Also, at the places indicated, the following new clauses were inserted, both of which, in common with the amendments to cl.26 and Schedule 1 listed above, altered various references in the Bill from 'Suncorp Stadium' to 'Brisbane Stadium (Lang Park)':

- Before cl.23, cl.22A [Amendment of pt3B, hdg (Major sport events at Suncorp Stadium)]
- Before cl.28, cl.27A [Amendment of s30AN (Use of Suncorp Stadium for major sport events)].

## 2. Adoption and Other Legislation Amendment Bill 2016

This Bill was originally introduced into the Legislative Assembly on 14 September 2016. A synopsis of the contents of the Bill as introduced was contained in *Legislation Update* No.37 of 2016, dated 21 September 2016, at page 7. It was not amended during its passage through the Legislative Assembly.

## C. The following Bill was passed by the Legislative Assembly on 3 November 2016

### 1. Youth Justice and Other Legislation (Inclusion of 17-year-old Persons) Amendment Bill 2016

This Bill was originally introduced into the Legislative Assembly on 15 September 2016. A synopsis of the contents of the Bill as introduced was contained in *Legislation Update* No.37 of 2016, dated 21 September 2016, at page 8. It was not amended during its passage through the Legislative Assembly.

## Government Bills withdrawn

### A. The following Bill was withdrawn by the Legislative Assembly on 3 November 2016

#### 1. Heavy Vehicle National Law and Other Legislation Amendment Bill 2016

(Note: This entry should be read in conjunction with the entry in relation to a Bill of the same short title as this Bill under the heading above 'Government Bills introduced/re-introduced'.)

This Bill was originally introduced into the Legislative Assembly on 13 September 2016. A synopsis of the contents of the Bill as introduced was contained in *Legislation Update* No.37 of 2016, dated 21 September 2016, at pages 5-6.

There was no debate in the Legislative Assembly on 3 November 2016 in relation to the two motions moved by the Minister in charge of this Bill, SJ Hinchliffe MP, the Minister for Transport and the Commonwealth Games, that this Bill be discharged from the parliamentary notice paper and then withdrawn (see *Hansard* for 3 November 2016 at page 4150).

However, it would appear from the circumstances surrounding the 're-introduction' of a Bill with the same short title (see above under the heading 'Government Bills introduced/re-introduced') that it was withdrawn because the requirements of s68 of the *Constitution of Queensland 2001* were not complied with at the time of its original introduction, although this was not explicitly stated during the parliamentary debate.

Section 68 (Governor's recommendation required for appropriation) of the *Constitution of Queensland 2001* provides as follows:

- (1) The Legislative Assembly must not originate or pass a vote, resolution or Bill for the appropriation of—
  - (a) an amount from the consolidated fund; or
  - (b) an amount required to be paid to the consolidated fund;
 

that has not first been recommended by a message of the Governor.
- (2) The message must be given to the Legislative Assembly during the session in which the vote, resolution or Bill is intended to be passed.

An examination of this Bill reveals that it contained a number of measures which could be characterised as appropriating moneys from the consolidated fund, for example, the proposal to amend the *Transport Operations (Passenger Transport) Act 1994* in order to provide taxi licence holders with a payment of \$20,000 per taxi service licence, capped at two licences per holder (see the Minister's introductory speech in *Hansard* for 13 September 2016 at pages 3406-3410).

*Hansard* does not record the presentation of a message from the Governor at the time of its introduction in September.

## Bills assented to

According to the parliamentary website, none of the four Bills listed above as having been passed by the Legislative Assembly during this parliamentary sitting week had been assented to, as at 5pm on 4 November 2016.

## Subordinate legislation

### A. Subordinate legislation disallowed by the Legislative Assembly on 2 November 2016

#### 1. *Weapons Regulation 2016*

By a 43-42 vote, the Legislative Assembly, in a comparatively unusual outcome, agreed to the motion moved by Tim Mander MP, the LNP Member for Everton and the Shadow Minister for Police, Fire and Emergency Services and Shadow Minister for Corrective Services, namely, "That part 3 section 16 of the *Weapons Regulation 2016*, subordinate legislation No.131 of 2016, tabled in the House on 16 August 2016 be disallowed".

The *Weapons Regulation 2016* (SL No.131 of 2016) was notified on the Queensland Legislation website on 12 August 2016 (see *Legislation Update* No.32 of 2016, dated 17 August 2016, at page 3.)

The effect of this resolution of the Legislative Assembly is that s16 (Automatic licence suspension of body), which is located in Part 3 (Automatic licence suspension if body's representative endorsed on the licence dies or loses authority to represent it), is to be deleted from the regulation. (See *Hansard* for 2 November 2016 at pages 4064-4080.)

### B. Subordinate legislation notified on the Queensland Legislation website on 4 November 2016

#### 1. SL No.195 of 2016: *Local Government Legislation (Boundary Changes) Amendment Regulation 2016*

This regulation implements, by means of appropriate amendments to the *City of Brisbane Regulation 2012* and the *Local Government Regulation 2012*, various recommendations of the Local Government Change Commission in relation to the boundaries between the local government areas of the following local councils:

- Goondiwindi Regional Council and Western Downs Regional Council
- Brisbane City Council and Moreton Bay Regional Council
- Maranoa Regional Council and Western Downs Regional Council
- Aurukun Shire Council and Cook Shire Council.

In addition, s9 [Amendment of sch3, s1A (Change in boundaries for Bundaberg Regional Council)] of the regulation corrects a "typographical error" in current s1A(2) of Schedule 3 of the *Local Government Regulation 2012*.

## Local laws

### A. *Queensland Government Gazette* of 4 November 2016

Gazettal of the making of local laws by the following council:

#### 1. Mackay Regional Council

Gazettal of the *Mackay Regional Council (Making of Local Law) Notice (No.1) 2016*, pursuant to which the Mackay Regional Council gave notice that it had, by resolution of 26 October 2016, made the *Parking (Amendment) Subordinate Local Law (No.1) 2016* which amended the *Subordinate Local Law No.5 (Parking) 2011*.

## Approved forms/guidelines

### A. *Queensland Government Gazette* of 4 November 2016

Notification of the approval of a form for use under the following Act:

#### 1. *Workers' Compensation and Rehabilitation Act 2003*

The following form has been approved:

- Form No.132.XC (Version 2): Glencore Queensland Limited Workers' Compensation Application.

## Other statutory instruments/statutory notices

### A. Queensland Government Gazette of 4 November 2016

#### 1. *Electoral Act 1992*

Notification, given pursuant to s63, of the following electoral enrolments and associated statistics as ascertained or determined by the Electoral Commissioner, as at 1 November 2016:

- the number of electors enrolled in each electoral district for the State of Queensland, the average district enrolment and the extent to which the number of electors in each electoral district differs from that average enrolment
- the adjusted enrolment for electoral districts of 100,000m<sup>2</sup> or more in area, that is, the sum of the number of enrolled electors and the additional large district number as specified in s45 and the extent to which those districts differ from the average district enrolment mentioned above.

#### 2. *Acquisition of Land Act 1967*

Gazettal of the *Taking of Land Notice by Bundaberg Regional Council (No.01) 2016*, pursuant to which, under s15D, notice is given that the land described in the schedule to the notice, an area of 2914m<sup>2</sup>, is taken by the Bundaberg Regional Council “for purposes including but not limited to roads, parks, public works necessary and incidental to the construction of the Bundaberg Multiplex development and which vests in Bundaberg Regional Council for an estate in fee simple on and from 4 November, 2016”.

#### 3. *Holidays Act 1983*

Gazettal made by the Minister for Employment and Industrial Relations, Minister for Racing and Minister for Multicultural Affairs of the appointment of dates in 2017 for the following purposes:

- as public holidays within the specified districts in respect of the specified annual agricultural, horticultural or industrial shows
- as ‘special holidays’ within the specified districts in respect of the specified ‘special events’.

#### 4. *Nature Conservation Act 1992*

Gazettal of the notification of the making by the deputy director-general, Department of Environment and Heritage Protection, of the assessment guideline entitled ‘Assessment of applications for recreational wildlife licences for restricted reptiles that are dangerous snakes’, in accordance with s174B.

#### 5. *State Development and Public Works Organisation Act 1971*

Gazettal of the notification by the Minister for State Development extending the time when the prescribed project declaration for the ‘Abbot Point Port and Wetland’ project ends by one year until 13 November 2017, pursuant to s76F.

#### 6. *Sustainable Planning Act 2009*

Gazettal of the notice given by the Minister for Education and Minister for Tourism and Major Events that, under Part 2 of Chapter 5, she had made a ministerial designation of land for community infrastructure applying to land situated at 136A and 138 Robertson Road, Silkstone, for the Claremont Special School.

#### 7. *Transport Operations (Marine Safety) Act 1994/Transport Operations (Marine Safety) Regulation 2016*

Notification of the exemption from s206A of the *Transport Operations (Marine Safety) Act 1994* and ss81, 82 and 86 of the *Transport Operations (Marine Safety) Regulation 2016* granted by the acting executive director of maritime operations, Maritime Safety Queensland, pursuant to s18A of the *Transport Operations (Marine Safety) Act 1994*, to all persons operating ships in the event consisting of ‘Tropical Heat 2017 (Jet Ski Racing)’ to be conducted by the Queensland Personal Watercraft Club Inc. between 7am and 3pm on 6 November and 18 December 2016 over the waters of Bells Beach, Redcliffe.

#### 8. *Waste Reduction and Recycling Act 2011*

Gazettal of notices of the following approvals given by the director, I&D, Department of Environment and Heritage Protection on 28 October 2016, each of which is to take effect from 7 November 2016 with an approval period in force until 31 December 2018:

- Amendment of General Approval of a Resource for Beneficial Use – Coal Combustion Products (approval number ENBU01043609), made under s172, which amendment provides for lawful uses of coal combustion products and ensures that the use of these products occur in an environmentally sustainable manner
- General Approval of a Resource for Beneficial Use – Biosolids (approval number ENBU06949016), made under s163, which provides for the use of biosolids as a soil conditioner in an environmentally sustainable manner.

## Miscellaneous

### 1. Parliamentary sitting dates

As indicated on the parliamentary website, the Queensland Parliament is scheduled to sit from Tuesday 8 November to Thursday 10 November 2016. Details of legislation considered during this parliamentary sitting week will be included in the next *Legislation Update*. (The complete list of proposed sitting dates for the remainder of 2016 is available on the parliamentary website.)